AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1. (Currently Amended) A method of noise attenuation comprising the steps of:

generating a noise canceling signal;

sensing engine noise;

sensing background sound;

comparing engine noise to background sound;

sensing a throttle position; and

ceasing the generation of the noise canceling signal based upon the throttle position and the comparing of engine noise to background sound.

2-3 (Cancelled)

4. (Currently Amended) The method of claim [[3]] 1 wherein the engine noise and the background sound are related by a ratio.

5. (Withdrawn) The method of claim 1 wherein ceasing occurs when the throttle position is less open than a predetermined position.

6. (Withdrawn) The method of claim 1 further including the step of sensing for a change in the throttle position.

7. (Withdrawn) The method of claim 6 further including the step of generating the noise canceling signal when the throttle position is greater than a predetermined position.

8. (Cancelled)

9. (Withdrawn) A method of noise attenuation comprising the steps of:

generating a noise canceling signal;

sensing for a system condition;

ceasing the generation of the noise canceling signal based upon the system condition; and

ceasing the generation of the noise canceling signal when the number of recordings exceed a preset level.

10. (Withdrawn) The method of claim 9 further including the step of issuing an error message.

11. (Withdrawn) The method of claim 9 further including the step of waiting a set period of time before sensing for the system condition and generating the noise canceling signal.

12. (Currently Amended) A method of noise attenuation comprising the steps of:

generating a noise canceling signal;

sensing engine noise; ~~and~~

sensing background sound;

comparing the engine noise to the background sound;

ceasing the generation of the noise canceling signal ~~in the event the engine noise does not exceed a predetermined level~~based upon the comparing of the engine noise to the background sound.

13. (Currently Amended) The method of claim 12 wherein the comparing of the engine noise to the background sound comprises a ratio of the engine noise to background sound.

14. (Currently Amended) The method of claim ~~12~~13 ~~further including the step of sensing for a change in the engine noise~~wherein ceasing the generation of the noise cancelling signal is conditional upon the ratio being below a predetermined level.

15. (Currently Amended) The method of claim 14 further including the step of generating the noise canceling signal when the ~~engine noise~~ ratio exceeds the predetermined level.

16. (Currently Amended) The method of claim ~~12~~14 further including the step of recording ~~the ceasing of the generation of the noise canceling signal based upon the engine noise not exceeding the predetermined level~~when the ratio is below the predetermined level.

17. (Withdrawn) An air induction system comprising:

an air induction body;

a speaker in proximity to said air induction body;

at least one sensor for sensing a system condition that will result in a generation of an undesirable noise from said speaker; and

a control unit with a noise cancellation feature, said control unit in communication with said speaker and said sensor wherein said control unit is configured to disable said noise cancellation feature when said system condition is detected.

18. (Withdrawn) The air induction system of claim 17 wherein said predetermined system condition is based on an engine noise level received by a microphone.

19. (Withdrawn) The air induction system of claim 17 wherein said system condition is based on a background noise level received by a microphone.

20. (Withdrawn) The air induction system of claim 17 wherein said system condition is based on a relationship between an engine noise level and a background noise level.

21. (New) The method of claim 16 wherein ceasing the generation of the noise cancelling signal is conditioned upon a predetermined number of instances of the recording number of the ratio between the predetermined level.

22. (New) The method of claim 4 wherein the ceasing of the generation of the noise cancelling is conditioned upon the ratio being greater than a predetermined level and the throttle position being less open than a predetermined position.

23. (New) The method of claim 22 including the step of generating the noise cancelling signal when the throttle position is greater than the predetermined position.